



Department of Energy
Washington, DC 20585
January 23, 1998

Docket Coordinator, Headquarters
CERCLA Docket Office (5201G)
U. S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

Re: [62 FR 62523-62526](#), The National Priorities List for Uncontrolled Hazardous Waste Sites; Listing and Deletion Policy for Federal Facilities, November 24, 1997.

Dear Madame or Sir:

In the referenced notice, the Environmental Protection Agency (EPA) announced an interim final revision to the Agency's policy (54 [FR](#) 10520, March 13, 1989) for listing federal facility sites on the National Priority List (NPL). Specifically, the Notice describes an interim policy revision for deleting federal facilities (which are engaged in treatment, storage, and disposal of hazardous wastes and already on the NPL) from the NPL.

The Department of Energy (DOE) commends the EPA for electing to issue the interim final revision to the NPL listing policy for federal facilities, and appreciates the opportunity to comment on it.

The issue of equivalency of RCRA corrective action and CERCLA remedial action and the potential deferral of cleanup actions from one authority to another is important to the successful conduct of environmental restoration activities at DOE. The Department has long supported regulatory agencies having the ability to defer cleanups from one regulatory authority to another when dual regulatory authorities exist at federal facilities. In support of this position, DOE has taken the opportunity to raise the issue of RCRA/CERCLA integration and equivalency in Departmental comments submitted to the Agency in response to various regulatory proposals.^{1&2} Specifically, the Department requested the Agency recognize the equivalency of the two programs and provide mechanisms for the deferral of cleanup to one program or another, depending on which is the most appropriate program given the site-specific contamination problems and conditions.

¹ EH-41 Letter to RCRA Docket, U.S. Environmental Protection Agency, November 23, 1990, Re: Docket No. F90-CASP-FFFFF, "Corrective Action for Solid Waste Management Units at Hazardous Waste Management Facilities, Proposed Rule," 55 [FR](#) 30798-30884.

² EH-41 Letter to RCRA Docket, U.S. Environmental Protection Agency, July 30, 1996, Re: 61 [FR](#) 19432 -19464, "Corrective Action for Releases From Solid Waste Management Units at Hazardous Waste Management Facilities; Advanced Notice of Proposed Rulemaking."

While in theory it should have been possible to effectively conduct RCRA corrective action and CERCLA remedial actions concurrently at DOE facilities, the Department's experience has been that the practical implementation of concurrent RCRA and CERCLA remedial actions has been, and is, problematic in that duplicative efforts have been undertaken or conflicts have arisen. Because of a lack of agreement regarding the specific aspects of RCRA and CERCLA remedial requirements, additional time, effort, and expense has been required to satisfy the requirements of both statutes without often realizing any additional contributions to the protection of human health and the environment.

The Department has no comments to make at this time regarding the specific elements of the policy as described in the subject notice. Implementation of the policy may allow more cost-effective and timely cleanup at DOE facilities and should, in large part, eliminate the problems noted above.

If you have any questions regarding this letter or previous comments on RCRA/CERCLA integration issues, please contact Jerry Coalgate or Gerald DiCerbo of my staff at (202) 586-6075 or (202) 586-5047, respectively, or by e-mail at jerry.coalgate@hq.doe.gov and gerald.dicerbo@hq.doe.gov.

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